

EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

Date: Wednesday, 15 July 2009 **Time:** 7.35 - 9.50 pm

Place: Council Chamber, Civic
Offices, High Street, Epping

**Members
Present:**

Representing Epping Forest District Council:

Councillor(s): Mrs P Smith (Chairman) and Mrs J H Whitehouse

Other Councillors:

Councillor(s):

Representing Essex County Council:

County Councillor(s): G McEwen and C Pond

Representing Local Councils:

Councillor J Salter (Abbess, Beauchamp and Berners Roding Parish Council), B Surtees (Ongar Town Council), R Alvin (Chigwell Parish Council), R Balcombe (Fyfield Parish Council), Mrs D Borton (Nazeing Parish Council), Councillor Ms J Bowerman (Matching Parish Council), Mrs N Bridge (Fyfield Parish Council), J Brown (Stapleford Abbots Parish Council), A Busch (Moreton Bobbingworth & The Lavers Parish Council), Mrs A Cooper (Nazeing Parish Council), Ms J Hedges (Epping Town Council), Mrs S Jackman (Ongar Town Council), Mrs S Jones (Theydon Bois PC), Miss H Nicholas (Roydon Parish Council), R Northwood (Sheering Parish Council), J Philip (Theydon Bois Parish Council), A Pegrum (Epping Upland Parish Council), R E Russell (Stapleford Abbots Parish Council), Mrs S De Luca (North Weald Bassett Parish Council), V Evans (Epping Upland Parish Council), E Fenwick (Matching Parish Council), I Sullivan (Buckhurst Hill Parish Council) and C Thompson (Moreton Bobbingworth and The Lavers Parish Council)

Apologies: Epping Forest District Council –

Councillor(s): Mrs A Grigg, Mrs A Haigh and R Morgan

Essex County Council –

Councillor(s):

Parish/Town Councils: -

C Portou (Lambourne Parish Council), Mrs R Spiller (Lambourne Parish Council) and Mrs E Walsh (Loughton Town Council)

Officers Present: D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), K Durrani (Assistant Director (Engineering Services)), C Neilan (Conservation Officer) and G J Woodhall (Democratic Services Officer)

By Invitation: -

1. APPOINTMENT OF THE CHAIRMAN AND VICE CHAIRMAN

The Deputy Chief Executive requested that the appointment of the new District Council Chairman be confirmed as the Chairman of the Committee for the municipal year. The appointment of a Vice-Chairman from amongst the Local Council representatives was also requested as well; Councillor J Salter was nominated and seconded by Ongar and Nazeing Parish Councils respectively.

RESOLVED:

- (1) That Councillor Mrs P Smith be confirmed as the Chairman of the Local Councils Liaison Committee for 2009/10; and
- (2) That Councillor J Salter be appointed as the Vice-Chairman of the Local Councils Liaison Committee for 2009/10.

2. CHAIRMAN'S ANNOUNCEMENTS

(a) Race for Life – North Weald Airfield

The Chairman reported upon the Race for Life that was taking place at North Weald Airfield that evening, which the Chairman had started before coming to the meeting. This was the sixth running of the Epping Forest Race for Life, and was taking place at North Weald Airfield with the support of the Council's Sports Development team and the Airfield's Operations team. A total of 3,500 women were walking, jogging or running the five kilometre course around the Airfield to raise more than £230,000 for Cancer Research.

(b) Essex Best Kept Village Competition 2009

The Chairman reported that the Essex Best Kept Village Winners had been announced and second place in the Class Four category (population 301 to 800) had been awarded to Fyfield, whilst Theydon Bois had won one of the Merit Awards. In the Best Kept Churchyard Competition, a Certificate of Merit had been awarded to St Mary the Virgin Church in Theydon Bois.

3. MINUTES

RESOLVED:

That the minutes of the previous meeting held on 4 March 2009 be taken as read and signed by the Chairman as a correct record.

4. COMPLAINTS AGAINST PARISH COUNCILLORS

The Assistant to the Chief Executive presented a report regarding complaints against Parish Councillors alleging breaches of the Code of Conduct.

The Assistant to the Chief Executive reported that the Standards Committee's annual report for 2008/09 had been considered by the Council on 30 June 2009 and the Committee's attention was drawn to some of the conclusions within the report. The cost of investigations was highlighted, especially when external resources were used. The current annual budget of £5,400 had already been spent. The number of complaints that had emanated from two particular Parish Councils had indicated that perhaps there were other underlying problems for which other means should be used to resolve. There had been a lively discussion at the Standards Committee the previous evening and it was felt that further research should be undertaken on the training available for resolving difficult situations within Parish Councils. A robust approach would continue to be taken by the Assessment Sub-Committees in their initial assessment of complaints.

The Vice-Chairman, who was also a member of the Standards Committee, emphasised that eight of the ten complaints against Parish Councils related to just two Parish Councils, and that all Parish Council complaints were by one Parish Councillor against another. The time taken to investigate cases was also highlighted; the last report considered was 120 pages long. The Essex Association of Local Councils had assisted Town and Parish Councils to resolve their problems in the past and was available to help.

It was contended that only Councillors were conversant with the complaint process, hence the high proportion of Councillor led complaints. There was concern that the robust approach being adopted would lead to cases being dropped that should be pursued and that cost should not be the prime consideration. It was also felt that impartial adjudicators would assist the process. The Standards Committee should uphold the standards throughout the whole District, and that it was not helpful to isolate two particular Councils.

The Assistant to the Chief Executive advised the Committee that the investigations would not stop due to a lack of funding; the money would have to be found. The robust approach being employed was asking whether the complaint was a method of furthering a dispute by other means. The District Council was happy to assist Local Councils with their governance issues in an effort to reduce possible cases and advise them of the conciliation arrangements available to them. It was felt that vexatious complaints solved nothing and often made matters worse; whilst not wanting to add an extra level to the process, it was important to recognise a case early as being eligible for resolution by alternative means.

The Committee generally felt that complaints were properly dealt with and with due process. The budget ought be protected and Parish Councils encouraged to resolve their problems by alternative methods before involving the Standards Committee. It was suggested that joint working between the Standards Committee and the Epping Forest Association of Local Councils would highlight the possible alternative procedures. The Vice-Chairman agreed to discuss the matter at the next meeting of the Local Councils Association and report back to the Liaison Committee.

The Chairman stated that the Monitoring and Deputy Monitoring Officers were happy to discuss issues with Town and Parish Councils. Officers were provided with guidance by the Standards Board for England, and it was emphasised that the procedures were not improperly conducted within the District, with every case thoroughly investigated by Officers. Appendix 7 of the District & Local Council Charter detailed the advice and guidance freely available to Town and Parish Councils in respect of the Code of Conduct.

RESOLVED:

- (1) That the relevant sections of the 2008/09 Annual Report of the Epping Forest District Standards Committee be noted;
- (2) That discussions be held between the Vice-Chairman and the Epping Forest Association of Local Councils on possible further training to be investigated; and
- (3) That the complaints process was not always the best solution to resolve problems be accepted.

5. ELECTIONS

The Returning Officer gave a verbal update on the administration of the recent European and County Council elections. This particular election had been very complex with four different elections being administered and the local councils were invited to give feedback to the Returning Officer over their conduct. Five new polling stations had been used this year and comments had been received about the use of a public house in Sheering in that the area used for voting needed better screening. At a debriefing with the electoral agents, it had been commented that in some locations the results were not being displayed promptly on the Parish notice boards.

The Committee highlighted that there had been a variance between the electoral literature issued by the County Council and District Council; the Returning Officer agreed to correct that in future. The Chairman congratulated all the staff involved in the election and counting for their efforts.

RESOLVED:

That the verbal report of the Returning Officer be noted.

6. ISSUES RAISED BY LOCAL COUNCILS

(a) Functionality of the iplan System

Concern had been expressed by the Local Councils that the system was not improving but had become increasingly unusable with upload and download problems, plus lack of access. The Vice-Chairman stated that problems had been experienced in viewing plans on screen as not all of the Local Councils had suitable computers. It was suggested that a Working Party be set up between the Local Councils and District Council Officers to resolve problems with the system.

The Committee was informed that a national e-plan hub would be implemented shortly, which would utilise electronic documents rather than paper plans. The new system would enable users to view the plans and any representations received for a particular application. The system would reach Local Councils in the late autumn, with a further third stage planned giving the public access. Training in the new system was currently being undertaken by District Council Planning Officers and would be offered to Local Councils in due course. The problem whereby personal computers could not view the plans had been recently fixed but there was awareness that searches could cause problems in using the system. The District Council was willing to offer advice to the Local Councils and help was also freely available from District Council Planning Officers. The District Council apologised for any long-term problems with the system but reassured the Local Councils that a number of them had now been resolved. The Local Councils were informed that their point of contact for the iplan system was the District Council's Landscape Officer & Arboriculturist, Chris Neilan (01992 564117).

The Local Councils felt that there were some serious problems for rural communities. Many of their Village Halls, where their Planning Meetings were held, did not have phone lines and hence internet access. Abbess, Beauchamp and Berners Roding Parish Council was cited as an example; it had no Parish Office, a part-time clerk, no broadband, no internet enabled computer, and therefore no access to the plans. There needed to be good quality broadband access throughout the District before the District Council removed access to paper plans. In addition, the Parish Councils should be advised of the timetable for the e-plan implementation and specifically when access to paper plans would be removed.

The Deputy Chief Executive reassured the Local Councils that the District Council would not disenfranchise any Local Councils and the move to new technology would not prevent rural Parish Councils from accessing hardcopies of the plans. The Deputy Chief Executive offered to facilitate the resolution of the problems by arranging dialogue between the Director of Planning & Economic Development, key ICT officers and representatives of the Local Councils. It was suggested that in the short term, Parish Councils could perhaps share expertise and equipment whilst the problems were being resolved.

(b) Waste Collection Services for Village Halls

The Local Councils had been advised that the District Council had reached a decision regarding waste collection services for Village Halls. Recyclables that were sorted would be collected free of charge, whilst residual rubbish would subject to a recharge. Clarification had been requested upon the procedure to be operated.

The Assistant Director (Engineering Services) informed the Committee that the impending implementation of the new waste collection service in September had delayed the implementation of the new collection arrangements for Village Halls. It was confirmed that the new arrangements, which had been agreed by the Cabinet, would instigate charges for the collection of residual waste but not the collection of recyclable materials.

The Committee felt that the administration of the recharges would be expensive and did not like Village Halls being treated as commercial rather than community buildings. There was surprise expressed that this change had not been discussed at a previous meeting of the Committee. Whilst there had been a huge public consultation exercise undertaken in respect of all the changes to the waste management service, including a large number of roadshows that had been ably assisted by Parish Clerks. The Deputy Chief Executive apologised for the matter not having been previously discussed by the Committee. The Committee felt that the District Council should reinstate the free collection of residual waste from Village Halls and the Environment Portfolio Holder was requested to review the decision at the earliest possible opportunity.

(c) District Council Support for Parishes with Village Planning

The Local Councils felt that support was lacking for those Parishes that sought to ensure their local communities had some influence over the planning process for their settlements through Village Planning.

The Committee was informed that Village Design Statements and Parish Plans could be drawn up and would be considered within the Planning system. The District Council could offer assistance to the Local Councils with this process and inform them of any toolkits available. The Committee felt that, although the Essex Rural Council provided guidance, simpler localised guidance from the District Council would be very helpful.

(d) Planning Enforcement

The Local Councils had expressed concern about the effectiveness of the Planning Enforcement function, including the resources allocated to it, thus making it ineffective in preventing abuse of the planning system. Particular concern had been expressed about the damage being done to footpaths and highways by developers, and that they should be made responsible for repairing such damage from their site operations.

It was emphasised to the Committee that damage to highways could not be conditioned; planning conditions could only be applied to the application site itself not the adjacent highways. For clarification, the meeting was advised that the bond paid by the District Council to the County Council for possible highways damage had been a condition of the Section 278 agreement for the redevelopment of Bobbingworth Tip.

The Committee felt that Highways should be more pro-active in the Planning process over highways damage, and that better liaison was required between the District Council and the County Highways office. It was also felt that the issue should be considered by the new Local Highways Panel.

The Deputy Chief Executive informed the Committee that the Planning Services Scrutiny Panel was undertaking a review of planning enforcement and that the Director of Planning & Economic Development had been tasked to find additional resources for the Enforcement function. The District Council recognised the importance of Planning Enforcement, however it was highlighted that some planning enforcement issues did take a long time to resolve.

RESOLVED:

- (1) That the point of contact for Local Councils experiencing problems with the iplan system be Chris Neilan (01992 564117);
- (2) That, in order to resolve the ongoing problems with access to the iplan system, dialogue was required between the Director of Planning & Economic Development supported by key ICT Officers and the Local Council representatives; and
- (3) That the decision by the District Council to recharge Parish Councils for the collection of residual waste be reviewed by the Environment Portfolio Holder at the earliest possible opportunity.

7. ANY OTHER BUSINESS**(a) Local Highways Panel Establishment**

The Vice-Chairman contended that the District Council had acted ultra vires, that is it had exceeded its legitimate authority, when establishing the Local Highways Panel. The Parish Councils had been allocated less than the 25% membership recommended in the Guidance and had had voting rights withheld from them. The District Council was invited to amend the Constitution to give the Town and Parish Councils at least four members, all with voting rights. The Portfolio Holder had initially indicated that the operation of the Panel would be reviewed after a year, but the Local Councils felt that this should be urgently reviewed before the first scheduled meeting on 21 July 2009.

The Assistant Director (Engineering Services) stated that the Panel would look at its composition at its first meeting, but given that the County Council had only issued guidance and not a directive, and that the current establishment had been agreed by the

Cabinet and endorsed by the Council, it was likely that the Panel would adhere to its commitment to review its operation after twelve months.

The Committee did not want the implementation of the Panel to be delayed, but still felt that the District Council should be requested to reconsider its decision and that the views of the Local Councils Liaison Committee should be discussed at the first meeting of the Highways Panel.

RESOLVED:

(1) That the District Council be urged to review the constitution of the Local Highways Panel such that there be four representatives from the Local Councils with voting rights; and

(2) That the views of the Local Councils Liaison Committee be discussed at the first meeting of the Local Highways Panel on 21 July 2009.

8. DATES OF FUTURE MEETINGS

The Committee noted the proposed meeting dates scheduled for the remainder of the municipal year:

(i) 18 November 2009; and

(ii) 17 March 2010.

CHAIRMAN